

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

WILLIAM M. BYRD,

Plaintiff,

v.

AVENTIS PHARMACEUTICALS, INC.
and DEBRA EDMUNDS,

Defendants.

Civil Action No. 04-11032-DPW

MOTION FOR LEAVE TO AMEND ANSWERS TO COMPLAINT

Defendants, Aventis Pharmaceuticals, Inc. (“Aventis”) and Deborah Edmunds (“Edmunds”) (Aventis and Edmunds together, “Defendants”), hereby move, pursuant to Fed. R. Civ. P. 15(a), for leave to amend their respective Answers to Plaintiff’s Complaint and Jury Demand. In his Complaint and Jury Demand, Plaintiff, William Byrd, makes nine (9) claims with respect to his employment with Aventis and the termination of that employment. As a result of discovery and Plaintiff’s October 18, 2004 deposition testimony, Defendants now seek to amend their respective Answers to add the following two affirmative defenses:

Plaintiff’s claims are barred, in whole or in part, by the after-acquired evidence doctrine.

Plaintiff’s claims are barred, in whole or in part, by his failure to file a timely charge of discrimination.

A copy of the Amended Answers which Defendants seek to file are attached hereto as Exhibit A.

Defendants submit the Affidavit of Joan Ackerstein and a memorandum in support of this motion.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel for Defendant certifies that Defendant, through its counsel Joan Ackerstein, conferred with Plaintiff, through Plaintiff's counsel, John Koslowsky, on or about October 19, 2004. On or about October 28, 2004, Samia Kirmani, also counsel for Defendants, conferred with Mr. Koslowsky. Plaintiff's counsel was not then in a position to assent to the motion.

Respectfully submitted,

AVENTIS PHARMACEUTICALS, INC. and
DEBRA EDMUNDS,

/s/ Joan Ackerstein

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CERTIFICATE OF SERVICE

I hereby certify that, on this 1st day of November, 2004, I caused a true and accurate copy of the above document to be served upon Plaintiff's counsel, John Koslowsky, Esq., 424 Adams Street, Milton, Massachusetts 02186, by first-class mail, postage prepaid.

/s/ Joan Ackerstein

Jackson Lewis LLP